

105TH CONGRESS
2D SESSION

H. R. 3117

To reauthorize the United States Commission on Civil Rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1998

Mr. CANADY of Florida (for himself and Mr. SCOTT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reauthorize the United States Commission on Civil Rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Commis-
5 sion Act of 1998”.

6 **SEC. 2. EXTENSION AND AUTHORIZATION OF APPROPRIA-**
7 **TIONS.**

8 (a) EXTENSION.—Section 6 of the Civil Rights Com-
9 mission Act of 1983 (42 U.S.C. 1975d) is amended by
10 striking “1996” and inserting “2001”.

1 (b) AUTHORIZATION.—The first sentence of section
2 5 of the Civil Rights Commission Act of 1983 (42 U.S.C.
3 1975c) is amended to read “There are authorized to be
4 appropriated such sums as may be necessary to carry out
5 this Act for fiscal years through fiscal year 2001.”.

6 **SEC. 3. STAFF DIRECTOR.**

7 Section 4(a) of the Civil Rights Commission Act of
8 1983 (42 U.S.C. 1975b(a)) is amended—

9 (1) by striking “There shall” and inserting the
10 following:

11 “(A) IN GENERAL.—There shall”;

12 (2) by striking “(A)” and inserting the follow-
13 ing:

14 “(i)”;

15 (3) by striking “(B)” and inserting the follow-
16 ing:

17 “(ii)”;

18 (4) by adding at the end the following:

19 “(2) TERM OF OFFICE.—The term of office of
20 the Staff Director shall be 4 years.

21 “(3) REVIEW AND RETENTION.—The Commis-
22 sion shall annually review the performance of the
23 staff director.”.

1 **SEC. 4. APPLICATION OF FREEDOM OF INFORMATION, PRI-**
2 **VACY, SUNSHINE, AND ADVISORY COMMIT-**
3 **TEE ACTS.**

4 Section 4 of the Civil Rights Commission Act of 1983
5 (42 U.S.C. 1975b) is amended by adding at the end the
6 following:

7 “(f) APPLICATION OF CERTAIN PROVISIONS OF
8 LAW.—The Commission shall be considered to be an agen-
9 cy, as defined in section 551(1) of title 5, United States
10 Code, for the purposes of sections 552, 552a, and 552b
11 of title 5, United States Code, and for the purposes of
12 the Federal Advisory Committee Act.”.

13 **SEC. 5. REQUIREMENT FOR INDEPENDENT AUDIT.**

14 Section 4 of the Civil Rights Commission Act of 1983
15 (42 U.S.C. 1975b) is further amended by adding at the
16 end the following:

17 “(g) INDEPENDENT AUDIT.—Beginning with the fis-
18 cal year ending September 30, 1998, and each year there-
19 after, the Commission shall prepare an annual financial
20 statement in accordance with section 3515 of title 31,
21 United States Code, and shall have the statement audited
22 by an independent external auditor in accordance with sec-
23 tion 3521 of such title.”.

1 **SEC. 6. TERMS OF MEMBERS.**

2 (a) IN GENERAL.—Section 2(c) of the Civil Rights
3 Commission Act of 1983 (42 U.S.C. 1975(c)) is amended
4 by striking “6 years” and inserting “4 years”.

5 (b) APPLICABILITY.—The amendment made by this
6 section shall apply only with respect to terms of office
7 commencing after the date of the enactment of this Act.

8 **SEC. 7. REPORTS.**

9 Section 3(c)(1) of the Civil Rights Commission Act
10 of 1983 (42 U.S.C. 1975a(c)(1)) is amended by striking
11 “at least one report annually” and inserting “a report on
12 or before September 30 of each year”.

13 **SEC. 8. SPECIFIC DIRECTIONS TO THE COMMISSION.**

14 (a) IMPLEMENTATION OF GAO RECOMMENDA-
15 TIONS.—The Commission shall, not later than June 30,
16 1998, implement the United States General Accounting
17 Office recommendations regarding revision of the Commis-
18 sion’s Administrative Instructions and structural regula-
19 tions to reflect the current agency structure, and establish
20 a management information system to enhance the over-
21 sight and project efficiency of the Commission.

22 (b) ADA ENFORCEMENT REPORT.—Not later than
23 September 30, 1998, the Commission shall complete and
24 submit a report regarding the enforcement of the Ameri-
25 cans with Disabilities Act of 1990.

26 (c) RELIGIOUS FREEDOM IN PUBLIC SCHOOLS.—

1 (1) REPORT REQUIRED.—Not later than Sep-
2 tember 30, 1998, the Commission shall prepare, and
3 submit under section 3 of the Civil Rights Commis-
4 sion Act of 1983, a report evaluating the policies
5 and practices of public schools to determine whether
6 laws are being effectively enforced to prevent dis-
7 crimination or the denial of equal protection of the
8 law based on religion, and whether such laws need
9 to be changed in order to protect more fully the con-
10 stitutional and civil rights of students and of teach-
11 ers and other school employees.

12 (2) REVIEW OF ENFORCEMENT ACTIVITIES.—
13 Such report shall include a review of the enforce-
14 ment activities of Federal agencies, including the
15 Departments of Justice and Education, to determine
16 if those agencies are properly protecting the religious
17 freedom in schools.

18 (3) DESCRIPTION OF RIGHTS.—Such report
19 shall also include a description of—

20 (A) the rights of students and others
21 under the Federal Equal Access Act (20 U.S.C.
22 4071 et seq.), constitutional provisions regard-
23 ing equal access, and other similar laws; and

24 (B) the rights of students and teachers
25 and other school employees to be free from dis-

1 crimination in matters of religious expression
2 and the accommodation of the free exercise of
3 religion; and

4 (C) issues relating to religious non-dis-
5 crimination in curriculum construction.

6 (d) CRISIS OF YOUNG AFRICAN-AMERICAN MALES
7 REPORT.—Not later than September 30, 1999, the Com-
8 mission shall submit a report on the crisis of young Afri-
9 can-American males.

10 (e) FAIR EMPLOYMENT LAW ENFORCEMENT RE-
11 PORT.—Not later than September 30, 1999, the Commis-
12 sion shall submit a report on fair employment law enforce-
13 ment.

14 (f) REGULATORY OBSTACLES CONFRONTING MINOR-
15 ITY ENTREPRENEURS.—Not later than September 30,
16 1999, the Commission shall develop and carry out a study
17 on the civil rights implications of regulatory obstacles con-
18 fronting minority entrepreneurs, and report the results of
19 such study under section 3 of the Civil Rights Commission
20 Act of 1983.

21 **SEC. 9. ADVISORY COMMITTEES.**

22 Section 3(d) of the Civil Rights Commission Act of
23 1983 (42 U.S.C. 1975a(d)) is amended by adding at the
24 end the following: “The purpose of each such advisory
25 committee shall be to conduct fact finding activities and

1 develop findings or recommendations for the Commission.
2 Any report by such an advisory committee to the Commis-
3 sion shall be fairly balanced as to the viewpoints rep-
4 resented.”.

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